

AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 732

Introduced by Senator Ortiz

February 23, 2001

An act to amend Section 17920.3 of, to add Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of, and to add Chapter 18 (commencing with Section 26100) to Division 20 of, the Health and Safety Code, relating to toxic mold.

LEGISLATIVE COUNSEL'S DIGEST

SB 732, as amended, Ortiz. Toxic mold.

Existing law provides the State Department of Health Services with various powers to enforce its regulations, to promulgate regulations to protect the public health, and to enjoin and abate nuisances dangerous to public health. The department is vested with the power to perform studies, evaluate existing projects, disseminate information, and provide training programs to enforce regulations related to public health.

This bill would enact the Toxic Mold Protection Act which would require the department to adopt specific regulations to protect the public health from toxic mold, *and develop public education materials and resources to inform the public about the health effects of molds, methods of prevention, methods of identification, remediation of mold growth, and contact information to organizations or governmental entities to assist public concerns.*

This bill would require that the department conduct studies, consider specific delineated criteria, and consult with professional and medical experts in the field to arrive at permissible exposure limits to mold that will protect the public health and avert adverse health risks to a

meaningful portion of the general population. This bill would also set the standards for the identification and the remediation of toxic molds.

This bill would also require the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by exposure to molds in indoor environments. The bill would provide for specific protocol to allow the public to be involved in the study to determine the public health goal. The bill would also require that the ~~level~~ *exposure limit* identified by the Office of Environmental Health Hazard Assessment shall be considered the public health goal for toxic mold and would be used by the department in formulating the permissible exposure limit for toxic mold. The bill would also establish specified criteria to be used by the Office of Environmental Health Hazard Assessment when determining the public health goal.

This bill would require that the public health goal be reviewed and revised at a minimum of every 5 years and would be required to consider any and all technological or treatment techniques discovered in the interim.

Under existing law, the State Department of Health Services is authorized to adopt rules and regulations related to building standards and is vested with the power to enforce all regulations to ensure that all buildings where people reside are fit for human habitation.

This bill would also add toxic mold to the list of both substandard conditions and a structural hazard to health, for buildings used for human habitation.

This bill would also require that any person who sells or rents residential real property, or sells commercial property, to provide a written disclosure, to the potential buyer or renter, disclosing the presence and location of mold-containing construction materials in the building, heating, ventilating, and air-conditioning system, or surrounding environments as well as the potential health risks that may result from exposure to mold.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17920.3 of the Health and Safety Code
- 2 is amended to read:



17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

1 (5) Members of walls, partitions, or other vertical supports that
2 are of insufficient size to carry imposed loads with safety.

3 (6) Members of ceilings, roofs, ceilings and roof supports, or
4 other horizontal members which sag, split, or buckle due to
5 defective material or deterioration.

6 (7) Members of ceiling, roofs, ceiling and roof supports, or
7 other horizontal members that are of insufficient size to carry
8 imposed loads with safety.

9 (8) Fireplaces or chimneys which list, bulge, or settle due to
10 defective material or deterioration.

11 (9) Fireplaces or chimneys which are of insufficient size or
12 strength to carry imposed loads with safety.

13 (c) Any nuisance.

14 (d) All wiring, except that which conformed with all applicable
15 laws in effect at the time of installation if it is currently in good and
16 safe condition and working properly.

17 (e) All plumbing, except plumbing that conformed with all
18 applicable laws in effect at the time of installation and has been
19 maintained in good condition, or that may not have conformed
20 with all applicable laws in effect at the time of installation but is
21 currently in good and safe condition and working properly, and
22 that is free of cross connections and siphonage between fixtures.

23 (f) All mechanical equipment, including vents, except
24 equipment that conformed with all applicable laws in effect at the
25 time of installation and that has been maintained in good and safe
26 condition, or that may not have conformed with all applicable laws
27 in effect at the time of installation but is currently in good and safe
28 condition and working properly.

29 (g) Faulty weather protection, which shall include, but not be
30 limited to, the following:

31 (1) Deteriorated, crumbling, or loose plaster.

32 (2) Deteriorated or ineffective waterproofing of exterior walls,
33 roof, foundations, or floors, including broken windows or doors.

34 (3) Defective or lack of weather protection for exterior wall
35 coverings, including lack of paint, or weathering due to lack of
36 paint or other approved protective covering.

37 (4) Broken, rotted, split, or buckled exterior wall coverings or
38 roof coverings.

39 (h) Any building or portion thereof, device, apparatus,
40 equipment, combustible waste, or vegetation that, in the opinion

1 of the chief of the fire department or his *or her* deputy, is in such
2 a condition as to cause a fire or explosion or provide a ready fuel
3 to augment the spread and intensity of fire or explosion arising
4 from any cause.

5 (i) All materials of construction, except those which are
6 specifically allowed or approved by this code, and which have
7 been adequately maintained in good and safe condition.

8 (j) Those premises on which an accumulation of weeds,
9 vegetation, junk, dead organic matter, debris, garbage, offal,
10 rodent harborages, stagnant water, combustible materials, and
11 similar materials or conditions constitute fire, health, or safety
12 hazards.

13 (k) Any building or portion thereof that is determined to be an
14 unsafe building due to inadequate maintenance, in accordance
15 with the latest edition of the Uniform Building Code.

16 (l) All buildings or portions thereof not provided with adequate
17 exit facilities as required by this code, except those buildings or
18 portions thereof whose exit facilities conformed with all
19 applicable laws at the time of their construction and that have been
20 adequately maintained and increased in relation to any increase in
21 occupant load, alteration or addition, or any change in occupancy.

22 When an unsafe condition exists through lack of, or improper
23 location of, exits, additional exits may be required to be installed.

24 (m) All buildings or portions thereof that are not provided with
25 the fire-resistive construction or fire-extinguishing systems or
26 equipment required by this code, except those buildings or
27 portions thereof that conformed with all applicable laws at the time
28 of their construction and whose fire-resistive integrity and
29 fire-extinguishing systems or equipment have been adequately
30 maintained and improved in relation to any increase in occupant
31 load, alteration or addition, or any change in occupancy.

32 (n) All buildings or portions thereof occupied for living,
33 sleeping, cooking, or dining purposes that were not designed or
34 intended to be used for those occupancies.

35 (o) Inadequate structural resistance to horizontal forces.

36 (p) Presence of mold that exceeds the standards established by
37 the State Department of Health Services pursuant to subdivisions
38 (a) and (b) of Section 26102 or is determined by the health officer
39 or code enforcement officer, in consultation with scientific

1 experts, *to be likely* to result in adverse health effects likely to
2 result in serious or permanent bodily injury.

3 “Substandard building” includes a building not in compliance
4 with Section 13143.2.

5 However, a condition that would require displacement of sound
6 walls or ceilings to meet height, length, or width requirements for
7 ceilings, rooms, and dwelling units shall not by itself be considered
8 sufficient existence of dangerous conditions making a building a
9 substandard building, unless the building was constructed, altered,
10 or converted in violation of those requirements in effect at the time
11 of construction, alteration, or conversion.

12 SEC. 2. Chapter 9 (commencing with Section 17999) is added
13 to Part 1.5 of Division 13 of the Health and Safety Code, to read:

14
15 CHAPTER 9. MOLD-CONTAINING MATERIALS

16
17 Article 1. Disclosures

18
19 17999. (a) (1) Any person who sells residential real property
20 subject to Section 1102 of the Civil Code shall provide written
21 disclosure to potential buyers, identifying the presence or location
22 of mold-containing construction materials in the building, heating,
23 ventilating, and air-conditioning system (HVAC), or surrounding
24 environments, and shall disclose the potential health risks and the
25 health impact that may result from exposure to mold.

26 (2) The written notice required by this subdivision shall be
27 provided as soon as practicable before transfer of the title.

28 (3) The notice required by this subdivision shall include
29 disclosure of the current presence or prior existence of molds and
30 the disclosure shall include whether the current presence or prior
31 existence of molds exceeds the permissible exposure limit to
32 molds established by subdivisions (a) and (b) of Section 26102.

33 (b) (1) ~~Landlords~~ *Commercial and residential landlords* shall
34 provide written disclosure to potential tenants, identifying the
35 presence or location of mold-containing construction materials in
36 the building, HVAC system, or surrounding environments, as well
37 as potential health risks or health impact that may result from
38 exposure to mold.

39 (2) The written notice shall be provided as soon as practicable
40 before finalizing the rental agreement.

(3) The notice shall include disclosure of the current presence or prior existence of molds and if the current presence or prior existence of molds exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section 26102.

17999.3. (a) Sellers of commercial real property shall provide written disclosure to potential buyers, identifying the presence or location of mold-containing construction materials in the building, HVAC system, or surrounding environments, as well as potential health risks and health impact that may result from exposure to mold.

(b) The written notice shall be provided as soon as practicable before transfer of the title.

(c) The notice shall include disclosure of the current presence or prior existence of molds and if the current presence or prior existence of molds exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section 26102.

Article 2. Enforcement

17999.5. Public health officers, code enforcement officers, environmental health officers, and employees of the Department of Industrial Relations may respond to complaints about mold and responsibility to enforce standards developed by the department, pursuant to subdivisions (a) and (b) of Section 21602.

17999.7. ~~The State Department of Health Services~~
Department of Consumer Affairs, in consultation with representatives from the *State Department of Health Services*, the Department of Industrial Relations, the Commission on Building Standards, consumers, building proprietors, code enforcement officers, public health officers, environmental health officers, medical experts in mold health effects, mold testing experts, mold remediation experts, and industrial hygienists, shall develop standards of education and certification for mold testing ~~professionals and mold remediation specialists.~~ *professionals, mold remediation specialists, and industrial hygienists.*

SEC. 3. Chapter 18 (commencing with Section 26100) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 18. TOXIC MOLD PROTECTION ACT OF 2001

Article 1. General Provisions

26100. This chapter shall be known, and may be cited, as the Toxic Mold Protection Act of 2001.

26101. For purposes of this chapter, the following definitions apply:

(a) “Authoritative bodies” means any recognized national or international entities with expertise on public health, mold identification and remediation, or environmental health, including, but not limited to, other states, the United States Environmental Protection Agency, the World Health Organization, the American Conference of Governmental Industrial Hygienists, the New York City Department of Health, and the American Industrial Hygiene Association.

(b) “Code enforcement officer” means a local official responsible for enforcing housing codes and maintaining public safety in buildings using an interdepartmental approach at the local government level.

(c) “Department” means the State Department of Health Services, designated as the lead agency in mold identification and remediation efforts.

(d) “Exposure limit” means the maximum permissible amount of mold exposure to persons.

(e) “Identification” means the process of recognizing mold, water damage, or microbial volatile organic compounds in indoor environments.

(f) “Indoor environments” means both the indoor and outdoor habitats in and around specified structures.

(g) “Industrial hygienist” means a professional qualified by education, training, and experience to anticipate, recognize, evaluate, and develop controls for occupational health hazards, including mold issues.

(h) “Mold” means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fusarium, trichoderma, memnoniella,

1 mucor, and stachybotrys chartarum, often found in water damaged
2 structures.

3 (i) “Person” means an individual, corporation, company,
4 association, partnership, limited liability company, municipality,
5 public utility, or other public body or institution.

6 (j) “Public health officer” means a local health officer
7 appointed pursuant to Section 101000 or a local comprehensive
8 health agency designated by the board of supervisors pursuant to
9 Section 101275 to carry out the drinking water program.

10 (k) “Remediation” means the removal of mold and
11 rectification of the underlying cause of mold and water
12 accumulation through cleanup, drying, or removal of water
13 damaged materials through the abatement processes.

14 26102. (a) In implementing this chapter, the department shall
15 do the following:

16 (1) Adopt permissible exposure limits to mold for indoor
17 environments that avoid known or anticipated adverse effects on
18 health, with an adequate margin of safety, and avoid any
19 significant risk to public health.

20 (2) Place a primary emphasis on the protection of public health
21 and, to the extent technologically and economically feasible, adopt
22 permissible exposure limits to mold to protect the public health.

23 (3) Make a determination of permissible exposure limits to
24 molds as close as feasible to the established public health goal as
25 determined by the Office of Environmental Health Hazard
26 Assessment.

27 (b) The department shall consider all of the following criteria
28 when it adopts a permissible exposure limit for molds in indoor
29 environments:

30 (1) The public health goal and permissible exposure ~~levels for~~
31 *limits to* molds published by the Office of Environmental Health
32 Hazard Assessment pursuant to Section 26103.

33 (2) The adverse health effects of exposure to molds, including
34 specific effects on members of subgroups that comprise a
35 meaningful portion of the general population, including but not
36 limited to, infants, children, pregnant women, the elderly,
37 asthmatics, allergic individuals, immune compromised
38 individuals, or other subgroups that are identifiable as being at
39 greater risk of adverse health effects than the general population
40 when exposed to molds.

1 (3) The standards for ~~toxic~~ molds, if any, adopted by
2 authoritative bodies.

3 (4) The technological and economic feasibility of compliance
4 with the proposed permissible exposure limit for molds. For the
5 purposes of determining economic feasibility pursuant to this
6 paragraph, the department shall consider the costs of compliance
7 to tenants, landlords, homeowners, and other affected parties.

8 (c) The department shall report to the Legislature on its
9 progress in developing the permissible exposure limit for molds by
10 July 1, 2003.

11 26103. The Office of Environmental Health Hazard
12 Assessment shall prepare and publish an assessment of the risks to
13 public health posed by exposure to molds in indoor environments.

14 26104. (a) The risk assessment shall be prepared using the
15 most current principles, practices, and methods used by public
16 health professionals who are experienced practitioners in the fields
17 of mold testing and examining the health effects of mold exposure.

18 (b) The risk assessment shall contain an estimate of the ~~level of~~
19 ~~exposure~~ *exposure limits* to molds that is not anticipated to cause
20 or contribute to adverse health effects, or that does not pose any
21 significant risk to health. The estimated ~~level~~ *exposure limits* shall
22 be known as the public health goal for the contaminant. The public
23 health goal shall be based exclusively on public health
24 considerations and shall be set in accordance with all of the
25 following:

26 (1) The public health goal shall be set at the ~~level~~ *exposure limit*
27 at which no known or anticipated adverse effects on health occur.
28 The ~~level~~ *exposure limit* shall contain an adequate margin of
29 safety, according to most recent data, exposure to molds does not
30 constitute a significant risk to health.

31 (2) The public health goal shall take into account the following:

32 (A) Environmental triggers or health conditions which
33 increase the likelihood that individuals will experience adverse
34 health effects when exposed to molds.

35 (B) Adverse health effects of exposure to molds, including
36 specific effects on members of subgroups that comprise a
37 meaningful portion of the general population, including, but not
38 limited to, infants, children, pregnant women, the elderly,
39 asthmatics, allergic individuals, immune compromised
40 individuals, or other subgroups that are identifiable as being at

1 greater risk of adverse health effects than the general population
2 when exposed to molds.

3 (C) The relationship between exposure to molds and increased
4 body burden and the degree to which increased body burden levels
5 alter physiological function or structure in a manner that may
6 significantly increase the risk of illness.

7 (D) The public health goal of exposure ~~levels~~ *limits* for mold
8 shall be based on the most current principles, practices, and
9 methods used by public health professionals experienced in the
10 fields of mold testing and examining the health effects of mold
11 exposure.

12 26105. (a) If the Office of Environmental Health Hazard
13 Assessment is unable to determine ~~a level of exposure~~ *exposure*
14 *limits* to molds at which no known or anticipated adverse effects
15 on health will occur with an adequate margin of safety, or ~~a level~~
16 *an exposure limit* that poses no significant risk to public health, the
17 public health goal shall be set at ~~a level~~ *an exposure limit* that is
18 protective of public health, with an adequate margin of safety.

19 (b) The department may set the public health goal at zero if
20 necessary to satisfy the requirements of this section.

21 26106. (a) (1) The Office of Environmental Health Hazard
22 Assessment shall, at the time it commences preparation of a risk
23 assessment for exposure to molds as required by Section 26103,
24 provide notice electronically by posting on its Internet website a
25 notice that informs interested persons, including, but not limited
26 to: representatives from the Department of Industrial Relations,
27 the Commission on Building Standards, representatives of
28 consumers, *commercial and residential* building proprietors, code
29 enforcement officers, public health officers, environmental health
30 officers, experts on the health effects of molds, medical experts,
31 mold testing experts, and industrial hygienists that it has initiated
32 work on the risk assessment.

33 (2) The notice shall also include a brief description, or a
34 bibliography of the technical documents or other information the
35 office has identified to date as relevant to the preparation of the risk
36 assessment.

37 (3) The notice shall inform persons who wish to submit
38 information concerning exposure to molds of the name and
39 address of the person in the office to whom the information may
40 be sent, the date by which the information must be received in

1 order for the office to consider it in the preparation of the risk
2 assessment, and that all information submitted will be made
3 available to any member of the public who makes the request.

4 (b) Each draft risk assessment prepared by the Office of
5 Environmental Health Hazard Assessment pursuant to this
6 subdivision shall be made available to the public at least 45
7 calendar days prior to the date that public comment and discussion
8 on the risk assessment are solicited.

9 (c) After the Office of Environmental Health Hazard
10 Assessment publishes the final risk assessment for exposure to
11 molds, the office shall respond in writing to any significant
12 comments, data, studies, or other written information submitted to
13 the office in connection with the preparation of the risk
14 assessment. Any such comments, data, studies, or other written
15 information submitted to the office shall be made available to any
16 member of the public who makes the request.

17 26107. The department shall consider the final risk
18 assessment for exposure to molds prior to adopting ~~the public~~
19 ~~health goal for~~ permissible exposure limits to mold.

20 26108. (a) Notwithstanding any other provision of this
21 chapter, the permissible ~~level of exposure~~ *exposure limits* to molds
22 may be amended by the department to make the ~~level~~ *limits* more
23 stringent pursuant to this section.

24 (b) The department may amend ~~a permissible level of exposure~~
25 ~~the permissible exposure limits~~ to molds to make ~~it~~ *the limits* less
26 stringent if the department shows clear and convincing evidence
27 that the permissible ~~level of exposure~~ *exposure limits* to molds
28 should be made less stringent and the amendment is made
29 consistent with this section.

30 26109. All public health goals for permissible exposure limits
31 to molds published by the Office of Environmental Health Hazard
32 Assessment shall be established in accordance with the
33 requirements of Sections 26103 to 26105, inclusive, and shall be
34 reviewed at least once every five years and revised, pursuant to
35 Sections 26103 to 26105, inclusive, as necessary based upon the
36 availability of new scientific data.

37 26110. The department or Office of Environmental Health
38 Hazard Assessment may review, and adopt by reference, any
39 information prepared by, or on behalf of, the United States
40 Environmental Protection Agency or other authoritative bodies

for the purpose of adopting a national permissible levels of exposure *limits* to molds when the department or office establishes a California permissible level of exposure *exposure limits* to molds or publishes a public health goal, respectively.

26111. At least once every five years after adoption of permissible level of exposure *exposure limits* to molds, the department shall review the adopted level *limits* and shall, consistent with the criteria set forth in subdivisions (a) and (b) of Section 26102, amend the permissible level *exposure limits* if any of the following occur:

(1) Changes in technology or treatment techniques that permit a materially greater protection of public health or attainment of the public health goal.

(2) New scientific evidence that indicates that molds may present a materially different risk to public health than was previously determined.

Article 2. Standards for Identification of Molds

26120. The department, shall, in consultation with representatives from the Department of Industrial Relations, the Commission on Building Standards, representatives of consumers, *commercial and residential* building proprietors, code enforcement officers, public health officers, environmental health officers, experts on the health effects of molds, medical experts, mold testing experts, and industrial hygienists, adopt mold identification standards for the environmental assessment of molds in indoor environments that are based on the criteria in subdivision (b) of Section 26102.

26121. Identification standards shall include elements for visual identification, olfactory identification, and measurements of amount of moisture and presence of mold.

26122. (a) Permissible identification standards adopted by the department shall protect public health, to the extent technologically and economically feasible, by avoiding any known or anticipated adverse effects on public health with an adequate margin of safety, and by avoiding any significant risk to public health.

(b) The department shall consider all of the following criteria when it adopts identification standards for mold:

1 (1) ~~Permissible level of exposure~~ *exposure limits* to molds
2 developed by the State Department of Health Services pursuant to
3 subdivisions (a) and (b) of Section 26102.

4 (2) Standards for mold identification, if any, adopted by
5 authoritative bodies.

6 (3) The latest technology and information available on
7 effective mold identification using olfactory, visual perception,
8 measurements of moisture, or the presence of mold spores, or other
9 means of effectively identifying the presence of mold.

10 (4) Professional judgment and practicality.

11 (5) The technological and economic feasibility of compliance
12 with the proposed identification standards for mold.

13 (c) The department shall develop a uniform reporting form for
14 building inspection to document the presence of mold.

15 (d) The department shall report to the Legislature on its
16 progress in developing identification standards for mold by July
17 1, 2003.

18 26123. The department shall, at the time it commences
19 preparation of identification standards for mold, develop criteria
20 to rate buildings according to the degree of hazard posed by
21 presence and condition of the mold in the buildings and
22 surrounding environments.

23 26124. (a) (1) The department shall, at the time it
24 commences preparation of identification standards for mold,
25 electronically post on its Internet website a notice that informs
26 interested persons that it has initiated work on the remediation
27 standards.

28 (2) The notice shall include a brief description, or a
29 bibliography, of the technical documents or other information the
30 department has identified to date as relevant to the preparation of
31 the identification standards for mold.

32 (3) The notice shall inform persons who wish to submit mold
33 identification information of the name and address of the person
34 in the office to whom the information may be sent, the date by
35 which the information must be received for the department to
36 consider it in the preparation of the identification standards, and
37 that all information submitted will be made available to any
38 member of the public who makes the request.

39 (b) Each draft identification standard prepared by the
40 department pursuant to this article shall be made available to the

1 public at least 45 calendar days prior to the date that public
2 comment and discussion on mold identification standards are
3 solicited.

4 (c) The department shall respond in writing to significant
5 comments, data, studies, or other written information submitted by
6 interested persons to the department related to the preparation of
7 the mold identification standards after the publication of the final
8 identification standards. Any such comments, data, studies, or
9 other written information submitted to the office shall be made
10 available to any member of the public who makes the request.

11 26125. All identification standards for mold published by the
12 department shall be reviewed at least once every five years and
13 revised, as necessary based upon the availability of new scientific
14 data or information on effective mold identification.

15
16 Article 3. Standards for Remediation
17

18 26130. The department, in consultation with representatives
19 from the Department of Industrial Relations, the Commission on
20 Building Standards, representatives of consumers, *commercial*
21 *and residential* building proprietors, code enforcement officers,
22 public health officers, environmental health officers, experts on
23 the health effects of molds, medical experts, mold remediation
24 experts, and industrial hygienists, shall adopt remediation
25 standards for molds in indoor environments that are based on the
26 criteria set forth in subdivisions (a) and (b) of Section 26102.

27 26131. (a) ~~(1)~~ Remediation standards for mold adopted by
28 the department shall place primary emphasis on the protection of
29 ~~public health, and, to the extent technologically and economically~~
30 *public health.*

31 (b) *Remediation standards for mold to the extent*
32 *technologically and economically* feasible, shall meet all of the
33 following:

34 ~~(2)~~

35 (1) Maximize the protection of individuals from adverse health
36 effects.

37 ~~(3)~~

38 (2) Remove or clean contaminated materials in a manner that
39 prevents the emission of mold spores and dust, contaminated with
40 mold, from leaving a work area, and entering an occupied or

1 nonabatement area, and protecting the health of workers
2 performing the abatement.

3 ~~(4)~~

4 (3) Avoid any known or anticipated adverse effects on public
5 health with an adequate margin of safety.

6 ~~(5)~~

7 (4) Avoid any significant risk to public health.

8 ~~(6)~~

9 (5) Include criteria for personal protective equipment.

10 ~~(7)~~

11 (6) Require communication of hazard to building occupants.

12 26132. (a) The department shall consider all of the following
13 criteria when it adopts a remediation standard for mold:

14 (1) ~~Permissible level of exposure~~ *exposure limits* to molds
15 developed by the department pursuant to subdivisions (a) and (b)
16 of Section 26102.

17 (2) Standards for mold remediation, if any, adopted by
18 authoritative bodies.

19 (3) The latest scientific evidence or technical information
20 available on effective mold remediation.

21 (4) Professional judgement and practicality.

22 (5) The technological and economic feasibility of compliance
23 with the proposed remediation standards.

24 (b) The department shall report to the Legislature on its
25 progress in developing remediation standards for mold by July 1,
26 2003.

27 26133. (a) (1) The department shall, at the time it
28 commences preparation of remediation standards for mold,
29 electronically post on its Internet website, a notice that informs
30 interested persons that it has initiated work on the remediation
31 standards.

32 (2) The notice shall also include a brief description, or a
33 bibliography, of the technical documents or other information the
34 department has identified to date in the preparation of remediation
35 standards for mold.

36 (3) The notice shall inform persons who wish to submit
37 information concerning mold remediation of the name and the
38 address of the person in the office to whom the information may
39 be sent, the date by which the information must be received in
40 order for the department to consider it in the preparation of

1 remediation standards, and that all information submitted will be
2 made available to any member of the public who makes the
3 request.

4 (b) Each draft remediation standard prepared by the
5 department pursuant to this subdivision shall be made available to
6 the public at least 45 calendar days prior to the date that public
7 comment and discussion on mold remediation are solicited.

8 (c) At the time the department publishes the final remediation
9 standards for mold, the department shall respond in writing to
10 significant comments, data, studies, or other written information
11 submitted by interested persons to the department in connection
12 with the preparation of remediation standards for mold. Any such
13 comments, data, studies, or other written information submitted to
14 the office shall be made available to any member of the public who
15 makes the request.

16 26134. (a) The department shall make available to the public
17 upon request, information about contracting for the removal of
18 mold in a building or surrounding environment, including all of
19 the following:

20 (1) Recommended steps to take when contracting with a
21 company to remove mold.

22 (2) Existing laws and regulations pertaining to mold
23 *identification and remediation.*

24 (3) Basic health information as contained in existing mold
25 publications.

26 (4) A current list of contractors who are certified pursuant to
27 Section 17999.5 to engage in mold remediation work.

28 (b) All mold remediation standards published by the
29 department shall be reviewed at least once every five years and
30 revised, as necessary based upon the availability of new scientific
31 data.

32 (c) (1) *The State Department of Health Services shall develop*
33 *public education materials and resources to inform the public*
34 *about the health effects of molds, methods to prevent, identify and*
35 *remediate mold growth, resources to obtain information about*
36 *molds, and contact information for individuals, organizations, or*
37 *government entities to assist with public concerns about molds.*

38 (2) *The department shall distribute its public education*
39 *materials to public health officers, environmental health officers,*
40 *commercial and residential landlord organizations, homeowners'*

1 *organizations, and tenants' organizations. These materials shall*
2 *be readily available to the general public.*

3 *(3) These materials shall be comprehensible to the general*
4 *public.*

5 *(4) These materials shall be produced to include other*
6 *languages, in addition to English, to accommodate the diverse*
7 *multicultural population of California.*

8 *(5) These materials shall be made available on the*
9 *department's website.*

